

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Tribal Welfare-Khammam District- Revision Petition filed by Sri Yellanki Venkateswara Rao S/O Butchaiah R/O Kakarla (V) Julurupad (M), Khammam District Under Sec 6 of A.P.S.A.L.T.R 1959 against the Orders of the Additional Agent to Government in Proceedings I.A No: 23 & 24 of 2003 Dated:16-10-2004 –Allowed-Orders-Issued.

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**SOCIAL WELFARE (LTR-2) DEPARTMENT**

**GO.Ms.No. 166**

**Dated:20-08-2008.**

**Read the following:**

1. Revision Petition filed by Sri.Yellanki Venkateswara Rao S/o Butchaiah  
Dated: 11-01-2005.
2. Government Memo No: 618/LTR2/2005-1, Dated: 09-02-2005.
3. Government Memo No:618/LTR-2/2005-3 Dated:1-4-2005.
4. From the Project Officer, ITDA, Bhadrachalam in Rc No: LTR/IDA/301/2005  
Dated: -03-2005 /7-5-05
5. Government Memo No: 618/LTR2/2005 Dated: 31-05-05, 17-08-05, 21-07-06,  
21-08-07 and 03-09-2007.

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**ORDER:**

In the reference 1<sup>st</sup> read above Sri Yellanki Venkateswara Rao S/o Butchaiah R/O Kakarla (V), Julurupad (M), Khammam District, aggrieved by the Orders of the Additional Agent to Government in Proceedings I.A No: 23 & 24 of 2003 Dated: 16-10-2004, filed a Revision Petition before the Government in respect of lands situated in Sy.No:382 to an extent of Acres 2.09 cents. in Kakarla (V) of Julurupad (M), Khammam District.

2. The main grounds of the appellant in the revision petition among others are as under:

1. the petitioner is the absolute owner of land admeasuring Acs.2.09 cents in Sy.No 382 of Kakarla village of Julurpad Mandal, Khammam District, Vide patta No 428 issued by RDO Kothagudem as per the certificate of ownership. The petitioner is looking after the property on behalf of other family member also for the past three decades as there is joint Hindu family.
2. The land originally stood in the name of the petitioner's maternal grand father i.e. late Gaddam Gopaiah and after his demise on 18-04-1992, it was developed on the petitioner's mother, as she is the only daughter of petitioner's maternal grandfather i.e. Gaddam Gopaiah. After her demise, the said land devolved on the petitioner and succeeded to the land property by way of succession.
3. The land was inherited and devolved on the petitioner after the demise of petitioner's grand father in 1992. The very allegation that one Gaddam Gopaiah (the petitioner's grandfather whose only daughter is the petitioner's mother) has transferred the land in 1995 in favor of the petitioner is an utter falsehood and aimed to involve the petitioner in a frivolous and vexatious litigation; and
4. Revenue records also clearly show the above fact i.e. the land developed on the petitioner through succession and this substantial fact was ignored by the respondent i.e. Addl. Agent to Govt. & PO ITDA Bhadrachalam.

3. The brief history of the case is that case was initiated by the Special Deputy Collector (TW), Paloncha, Khammam District under rule 7(1) and 7(2) of the Andhra Pradesh Scheduled Areas Land Transfer Regulation Rules 1969 framed under the Regulation 1 of 1959 on a report of Jupudi Venkateswara Rao against the petitioner herein Sri Yellanki Venkateswar Rao pointing out that the land measuring Acres 2.00 in Sy.No:382 of Kakarla (V), Julurpad (M), was under his possession. Sri Yellanki Venkateswar Rao appeared and filed photo copies of the ROR Pass Book and partition deed dated:16-08-1989 and failed to produce original documents and land revenue receipts and pahani extracts. The Special Deputy Collector (T.W), Palawancha, had held that the transfer of immovable property belonging to the non-tribal (Gaddam Gopaiah) was made to another non-tribal in contravention of Sub-Section 1 of Section 3 as laid in

the Andhra Pradesh Scheduled Areas Land Transfer Regulation 1959 r/w the regulation 1 of 1970 after commencement of the said regulation and as such it is null and void and ordered in LTR Case No:29/95/JLP dt:3-8-2002 for ejectment of Sri Yellanki Venkateswara Rao or whoever is in possession of the immovable property described in the schedule land and directed that the immovable property in question be taken possession by the Mandal Revenue Officer, Julurpad and assign the same to landless poor tribals as per rules in force. Aggrieved by the orders of the Special Deputy Collector (T.W), Palawancha Sri Jupudi Venkateswara Rao had filed an appeal before the Additional Agent to Government. After perusal of the lower case records and the photo copies filed by the respondent in the lower court, the additional Agent to Government, Bhadrachalam upheld the order of the Lower court in I.A No:23&24/2003 dt 16-10-2004. Aggrieved by these orders of the Additional Agent to Government filed a Revision Petition before the Government.

4. In the reference 2<sup>nd</sup> read above the Agent to Government, Bhadrachalam, Khammam District was requested to furnish Parawise remarks and case records. The parawise remarks and records furnished vide reference 4<sup>th</sup> read above.

5. After careful examination of the Parawise remarks and case records, notices were issued to the concerned to attend the hearing of the revision petition on 22-06-2005, 3-9-2005, 11-08-2006, 31-08-2007 and was finally heard on 17-09-2007. The Counsel for the petitioner was present and submitted his written arguments corroborating with the grounds urged in the Revision Petition.

6. Govt. after careful examination of the material evidence on record, found that

1. As seen from the voters list of Kakarla Gram Panchayat for the year 1978 in Gazette notification published by Electoral Registration Officer & Tahsildar, Kothagudem, the following names of voters are listed against H.No:1-3 in Kakarla Block-1:

- a. Gaddam Gopaiah S/O Narsaiah, Male aged 60 years
- b. Yellanki Venkatanarsamma W/O Buchaiah, Female, aged 40 years
- c. Yellanki Venkateswarlu S/O Buchaiah, Male, aged 30 years.
- d. Yellanki Tulisamma W/O Venkateshwarlu, Female, aged 20years.
- e. Yellanki Kamalakar Rao S/O Buchaiah, Male, aged 19 years.

2. As seen from the unregistered partition deed executed on 16-08-1989 by Gaddam Gopiah in favour of his grand sons i.e Yellanki Venkateswara RAO and Yellanki Kamalakar Rao, it was mentioned as follows:

“ Smt .Yellanki Venkatanarsamma W/O Buchaiah was his only daughter and Yellanki Buchaiah i.e his son-in-law came to Gaddam Gopaiah on illarikam after the marriage with his daughter Venkatanarsamma. Later Yellanki Buchiah died. As all of them i.e Gaddam Gopaiah, his daughter Yellanki Venkatanarsamma and her two sons Venkateswara Rao and Kamalakar Rao were living jointly with Gaddam Gopaiah on Kakarla Village of Julurpad Mandal and as he had no male sons, executed partition deed on 16-08-1989 giving an extent of Acres 2.09 in Survey No: 382 situated in Kakarla Village, to his grand sons i.e Yellanki Venkateswara Rao and Kamalakar Rao.

3. The Tahsildar, Julurpad in L.Dis No: ASO/2719/2007, Dated: 17-11-2007, certified that Late Sri Gaddam Gopaiah S/O Narsaiah R/O Kakarla Village, Julurpad Mandal, expired on 18-04-1992 at Kakarla Village and the following are his dependents:

- a. Yellanki Venkateswar Rao S/O Late Buchaiah, Grandson, 48 years.
- b. Yellanki Kamalakar Rao S/O Late Buchaiah, Grand son, 45 years.
- c. Challagondla Narsiratnam W/O Venkatappaiah, Grand Daughter, 52 years.

4. From the above, it is established that the property of Sri Gaddam Gopaiah in Sy.No: 382 measuring Acres 2.09 situated in Kakarla Village of Julurpad Mandal in Khammam District was succeeded to his grand sons viz Yellanki Venkateswara Rao and Kamalakar Rao (i.e sons of Yellanki Venkatanarsamma, the only daughter of Gaddam Gopaiah) which is valid under Sec 3(4) of the Regulation 1/59 R/W 1/70 that the succession or inheritance or disposition by will does not fall under the definition of “transfer” and as such the possession of

the petitioner cannot be termed as contrary to regulation 1/59 R/W 1/70, as there is no transfer of land effected but succeeded on inheritance.

7. Government after careful examination of the request of the Revision Petitioner, hereby set aside the Orders of the Additional Agent to Government & Project Officer ITDA Bhadrachalam in IA No:23 & 24 /2003, dated:16-10-2004 and the Revision Petition is allowed.

8. The Project Officer, ITDA Bhadrachalam is requested to take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V.NAGI REDDY,  
PRL. SECRETARY TO GOVERNMENT**

To  
The Collector, Khammam District.  
The Addl. Agent to the Govt. Bhadrachalam, Khammam Dist. (We)  
(With RPAD of the following records)  
Case file IA.No.23 & 24 /2003 containing 134 pages  
The Spl Dy. Collector (TW), Palwancha, Khammam.  
Sri. Yellanki Venkateshwara Rao,  
R/o Kakarla Village, Julurpad, Village,  
Khammam District.  
Paravasthu Krishna, Advocate,  
3-6-364/C Street No-1, Himayat Nagar, Hyderabad-29.  
Copy to the P.S to M (TW).  
SF / SC

**//FORWARDED BY ORDER//**

**SECTION OFFICER.**